

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO: 1:06 CV 01058**

**THE BOARD OF GOVERNORS OF
THE UNIVERSITY OF NORTH
CAROLINA on behalf of THE
UNIVERSITY OF NORTH CAROLINA
AT CHAPEL HILL and XINTEK, INC.,**

Plaintiffs,

v.

**BURNS, DOANE, SWECKER & MATHIS
LLP; BUCHANAN INGERSOLL LLP;
BUCHANAN INGERSOLL & ROONEY LLP;
BUCHANAN INGERSOLL PC;
BUCHANAN INGERSOLL & ROONEY PC;
SCOTT W. CUMMINGS; and, RONALD L.
GRUDZIECKI,**

Defendants.

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CONSENT RECOMMENDATION OF UNITED STATES MAGISTRATE

This matter is before this Court on Plaintiffs' Motion to Remand and to Award Costs. Having reviewed and considered the parties' briefing and arguments, and having been notified that the parties have reached agreement to resolve the issues presented in the pending motion, it is recommended as follows:

WHEREAS, the parties have agreed to remand this case to the General Court of Justice, Superior Court Division, Orange County, North Carolina for further proceedings, and Defendants have voluntarily withdrawn their Notice of Removal; and

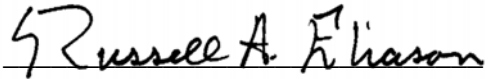
WHEREAS, Plaintiffs have agreed to withdraw their request to be awarded costs and attorneys' fees in connection with the removal of this case to federal court; and

WHEREAS, the parties have advised that there is no objection to this Recommendation, as reflected by the signatures of counsel for all parties below, indicating their assent to the prompt adoption of this Recommendation by the Court:

IT IS THEREFORE RECOMMENDED that this case be remanded to the General Court of Justice, Superior Court Division, Orange County, North Carolina for further proceedings, no costs or attorneys' fees to be awarded; and

IT IS FURTHER RECOMMENDED that a certified copy of this Court's Order adopting this Consent Recommendation be promptly filed with the Clerk of Court for the General Court of Justice, Superior Court Division, Orange County, North Carolina.

This the 27th day of February, 2007.


RUSSELL A. ELIASON
United States Magistrate Judge

CONSENTED TO:

**COUNSEL FOR THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF NORTH CAROLINA
ON BEHALF OF UNC-CH**

/s/ Thomas J. Ziko

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